



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


Applicant: Joseph Bobier
Title: Missing Cycle Base Carrier Modulation
Serial No.: 09/511,470 Examiner: Fan, Chieh M.
Filed: February 23, 2000 Group Art Unit: 2634
Docket No.: ICL-2-002

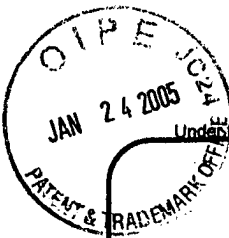
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ An Office Action Response (mailed July 26, 2004) (21 Pages);
- ☒ Transmittal Form (PTO/SB/21);
- ☒ Credit Card Authorization Form in the amount of \$905.00 to cover the 3rd month Extension of Time fee and After Final Submission fee;
- ☒ Return Receipt Postcard.

January 17, 2005
Date

By 
Dennis L. Cook
Reg. No. 30,826
Attorney for Applicant



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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/511,470	
	Filing Date	Feb. 23, 2000	
	First Named Inventor	Joseph Bobier	
	Art Unit	2634	
	Examiner Name	Fan, Chieh M.	
Total Number of Pages in This Submission	23	Attorney Docket Number	ICL-2-002

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Law Offices of Dennis L. Cook, PLLC	
Signature		
Printed name	Dennis L. Cook, Esq.	
Date	1/17/2005	Reg. No. 30,826

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
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Typed or printed name	Amy E. Federsel	Date 1/17/2005

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AF ZFW

Title: "Missing Cycle Based Carrier Modulation"
Serial No. 09/511,470
Attorney Docket No. ICL-2-002
Responsive to Office Action Mailed July 26, 2004
Date: January 17, 2005

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Applicant:	Joseph A. Bobier)	
)	
Serial No:	09/511,470)	Group Art Unit: 2634
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Filed:	February 23, 2000)	Examiner: Fan, Chieh M
)	
For:	Missing Cycle Based Carrier Modulation)	
)	
Attorney Docket:	ICL-2-002)	

Mail Stop RESPONSE AFTER FINAL
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE

In response to the Final Office Action mailed July 26, 2004, Applicant appreciates the Examiner's allowance of Claims 49-54 and the other claims that were objected to based on informalities or being dependent on rejected base claims such that they would be allowable if written in independent form. These informalities and rejections have been corrected in the amendment below.

The Examiner has rejected Claims 1, 2, 26-30 and 62 under 35 U.S.C. 102(b) as being anticipated by Hiramatsu (U.S. Pat. No. 5,136,614). The Examiner has stated in his rejection that Hiramatsu discloses a method for transmitting binary information from an information stream that anticipates the claimed invention. The Examiner rejected Claims 3, 5, 6, 7, 8, 9, 19, 20, 22, 24, 25, 31, 32, 35, 36, 37, 38, 41, 42, 43, 44, 47, 48, and 63 under 35 U.S.C. 103 (a) as being unpatentable over Hiramatsu in view of several other patents and combinations thereof.

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01 FC:2253 510.00 DP
02 FC:2809 395.00 DP

Applicant certainly appreciates the Examiner's allowance of claims when the informalities and rejections are corrected as has been done in the amendment below. Applicant respectfully requests the Examiner allow this important application, as amended, to proceed to issuance.

In rejecting the now cancelled claims, the Examiner has continued to rely on the figures of Hiramatsu, and in particular, figures 8(A) and 8(B) to find one of the crucial elements of the rejected claims, that is the beginning and ending of the transmitted set of integer cycles at the zero crossing point. Applicant still disagrees with the Examiner's position that the figures alone are sufficient disclosure when the specification of the prior art teaches against the interpretation the Examiner gives to the figures. But, Applicant is willing to cancel the disallowed claims and amend the claims as suggested by the Examiner in order to allow the application to issue, given the almost 5 year time period this application has been pending.